

NOV 09 2005

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of  
Burbank et al.

Examiner: Joseph M. Pelham

Group Art Unit: 3742

For: **TISSUE SITE MARKERS FOR IN VIVO  
IMAGING**

Serial No.: 10/658,911

Filed: September 10, 2003

Atty. Docket No.: R0367-01601

TERMINAL DISCLAIMER

## CERTIFICATE OF MAILING PURSUANT TO 37 C.F.R. 1.8

I hereby certify that this paper is being deposited via Facsimile at (703) 872-9306 and is addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, Attn: Joseph M. Pelham on November 9, 2005 in San Francisco, CABy: Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

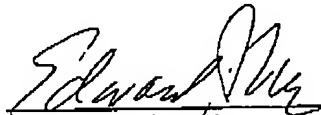
I, Edward J. Lynch, am an attorney representing the Assignee, SenoRx, Inc. The assignee is the registered owner of all right, title and interest in and to the above-identified application. The assignment is recorded in Reel No. 011845, Frame 0074.

The terminal portion of any patent which is granted on the above-identified application which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 6,725,083 is hereby disclaimed on behalf of the Assignee, Senorx, Inc.

It is hereby agreed that any patent granted on the above-identified application shall be enforceable only for and during such period that the legal title to any patent granted on the above-identified application shall be the same as the legal title to U.S. Patent No. 6,725,083. This agreement shall run with any patent granted on the above-identified application and shall be binding upon the grantor, its successors or assigns.

No disclaimer is hereby made on any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of U.S. Patent No. 6,725,083 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321 (a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Dated: Nov 9, 2005

  
Edward J. Lynch  
Registration No. 24,422  
Attorney for Applicants